

**REMARKS**

In the present Amendment, Claim 1 has been amended to incorporate the subject matter of Claim 4. Claim 4 has been cancelled accordingly. Claims 5 and 6 have been amended to depend from Claim 1. No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, Claims 1-3 and 5-8 will be pending.

Claims 1-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over combined teachings of Brown et al (Synthetic Communication, 1988), Weissberg et al (Synlett, 2002) and JP 05-221935 ("JP '935").

Applicant submits that this rejection should be withdrawn because Brown et al, Weissberg et al and JP '935 do not disclose or render obvious the present invention, either alone or in combination.

The Examiner contends that Brown et al and Weissberg et al teach a process of preparing bisamido alcohol by reacting an optically active amino alcohol with a diester in the presence of lithium hydroxide or lithium hydride. The Examiner refers to Brown et al at pages 1804-1805, and Weissberg et al at page 248, column 1.

The Examiner further states that the difference between the references and the claimed process is that the references do not teach the process of making amino alcohol.

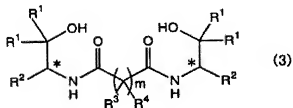
JP '935 is cited to show that an amino alcohol can be made by reacting optically active amino acid or ester with a borohydride. See page 3 of the translation of JP '935.

The reason for rejection is that it would have been prima facie obvious to modify Brown et al or Weissberg et al, by starting with amino alcohol prepared by JP '935, because JP '935 expressly teaches the process of making amino alcohol starting from amino acid or ester in the

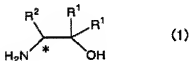
presence of boron compound, with the reasonable expectation of achieving a successful process of obtaining a bisamidophenol, absent evidence to the contrary.

Applicant respectfully disagrees.

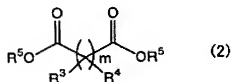
Present Claim 1 as amended relates to a method for producing an optically active bisamidoalcohol compound represented by the formula (3):



The method comprises reacting an optically active aminoalcohol compound represented by the formula (1):



with a diester compound represented by the formula (2):



in the presence of a lithium compound. The lithium compound is at least one lithium compound selected from lithium hydroxide, a lithium alkoxide and a lithium halide.

However, Brown et al discloses that a *monoamidoalcohol* compound represented by the formula 2 is obtained by *monoamidation* of N-methylaminoalcohol represented by the formula 1. Brown et al does not disclose or suggest a process for producing a *bisamidoalcohol* compound.

Weissberg et al discloses a process for producing bisamidoalcohol compound using LDA, NaH or LiH. The examiner note that Weissberg et al disclose a process using LiOH. However, Weissberg et teach that LiOH causes progression of the side reaction and generation of the hydrolyzed by-products.

That is, Weissberg et al discloses at page 248, column 1, lines 9 to 21, “[h]owever, careful analysis of the cleavage solution demonstrated that, while the major product was the expected amide (or bisamide), 10-20% of the hydrolyzed byproducts (acid or diacid) were also obtained. The side hydrolysis reaction was attributed to traces of moisture that, forming hydroxide, compete with the alkoxide. Attempts to eliminate the hydrolysis led us to the conclusion that the main source of hydroxide is NaH or LiH. Since it is very difficult to ensure that no NaOH or LiOH is present in the hydrides, we employed an alternative base, lithium diisopropylamide (LDA). With LDA, excellent yield was obtained, without significant hydrolysis.” The description of Weissberg et al indicates that LiOH is not suitable as the base. In other words, Weissberg et al teaches away from employing LiOH as the base.

In contrast, the lithium compound employed in the present invention is at least one lithium compound selected from lithium hydroxide, a lithium alkoxide and a lithium halide.

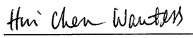
JP ‘935 does not make up for the deficiencies of Brown et al and Weissberg et al.

Accordingly, the present claims are not obvious over Brown et al, Weissberg et al and JP ‘935. Reconsideration and withdrawal of the §103(a) rejection based on Brown et al, Weissberg et al and JP ‘935 are respectfully requested.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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